

SELECTMEN'S MEETING MINUTES
September 22, 2009

Members Present: Paul Feeney, Chairman
Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue

Others Present: Andy Gala, Town Manager
State Representative Jay Barrows
Jeff Lovely, Chairman, Boyden Library Trustees
Jerry Cirillo, Boyden Library Director
Janet Pineault, Boyden Library Trustees
Meadowview Road Residents
Scott Barbato, 204 East Street, Foxborough
William J. Casbarra, Building Commissioner

The meeting was brought to order at 7:00 p.m. by Paul Feeney, Chairman.

7:00 – Citizen's Input – No one present for Citizen's Input.

7:05 – State House Update – Representative Jay Barrows came before the Board to present an update on things that have been going on during the summer months on behalf of citizens of the 1st Bristol District. He distributed information with a brief update of the State Budget, the hazardous waste site on County Road, intersections at Walnut St. and Rte. 140 as well as Payson Road intersection and Tri-Town Chamber of Commerce and Tri-Town Drug & Alcohol Awareness Partnership.

Rep. Barrows reported the September revenues for the State are below by \$114M from a comparable period last year; total collections are expected to be \$90M lower than in September, 2008. He expressed concern about overly optimistic revenue estimates with an economy that is still struggling.

He said work has begun on the hazardous waste site on County Street on both Foxborough and Mansfield sites. Test borings are being done to determine the nature of the waste material and to determine where it would be disposed of; it is hoped that it can be moved by rail. Jay pointed out that the time frame is for a 12-month completion of a newly paved parking surface and a GATRA shuttle to the train station.

A decision remains with the Mass Highway on how to address the problems with the intersection of Walnut Street and Rte 140. Caritas Health Center is interested in expanding which would reflect in increased traffic at that intersection. He is waiting to hear from Mass Highway on that as well. The

intersection of Central and Commercial Streets is also a problem area. Jay explained that some of the land there is State property and Mass Highway has put a “hold” on that land, but he would be seeking a remedy there. The Payson Road issue depends on a resolution with the State on one remaining house across from the football field. He said Vinco is interested in purchasing that from the State.

Jay Barrows announced the Tri-Town Chamber of Commerce Oktoberfest. He said they would be looking for a liquor license for this event. This is a charitable event to be held at Chestnut Green with 25 local restaurants and businesses participating. Jay also spoke of the Tri-Town Drug & Alcohol Awareness Partnership that along with other organizations have put together a screening of the series *Intervention* on the A&E Network. This is to be held at Patriot Place Showcase Live Theater. The guest speaker is Jeff VanVonderen, a nationally known speaker with experience working with families who are in crisis related to drugs and alcohol. He stressed that this is open to the public but that space is limited and people interested should RSVP as soon as possible.

Rep. Barrows said that the Regional Study Group has prepared a draft of special legislation necessary to establish a regional sewer district. A copy of the draft legislation was included in the packet of information prepared by Jay. A second agreement has is being developed on how the district will operate on a day to day basis by a group consisting of two representatives from each town. He said there is still a long way to go on this. Wheaton College is a “big player” in this project and would have an impact on operating costs for everyone participating. He pointed out that this is a long process involving working to get funding through grants, Federal monies, etc.

A general discussion ensued with inquiries about the special legislation, what would happen if one of the three towns decided to no longer participate in the regional district and, a time frame for submitting legislation. Rep. Barrows said that “if this works” it would be a long lasting relationship. He said the focus now has to be on how it is going to work; he said the committee would be looking for community input and approval. He pointed that it still has to be determined how much Foxborough is going to buy and what the commitment to additional capacity is going to be; it has to be affordable for the consumer. A few brief comments were made on whether this would be ready for the Warrant for ATM in May, who would be working on the operating agreement and possible tax credit for those whose sewer system has failed.

Paul Feeney asked to have Action Item #4 – One Day Wine & Malt Beverage License taken out of order. Karen Griffin, Tri-Town Chamber of Commerce, came before the Board to talk about the planned charitable event. She explained that the proceeds from this event go to three local food pantries – Foxborough, Mansfield and Norton. She said the liquor would be provided by

Corks Fine Wine & Liquor. Karen pointed out that the event last year was very successful raising \$5400 for the food pantries.

Motion by Paul Mortenson to approve the application for a One-Day Wine & Malt Beverage License as submitted by Karen Griffin on behalf of the Tri-Town Chamber of Commerce. Seconded by Lorraine Brue. **Vote: 4-0-0**

7:35 – Boyden Library Building Project Update – Jeff Lovely, Chairman, Board of Trustees, came before the Board to give an update on building plans for the Library and seeking the support of the BOS. Jerry Cirillo, Library Director and Janet Pineault, Trustee, were also present. Jeff gave a brief background on the number of improvements made to the existing building and pointed out the number of areas that need replacement such as windows, replacement of old elevator, bathrooms that need to be up to code, asbestos tiles, etc. He explained that there is grant money available at \$3.4M and the estimated cost is approximately \$10.4M for the expansion. The estimated contribution by the Town is \$7 or \$8M. He said there is a deadline for submitting this application; the Library has to file for an extension by November 16, 2009. The Library has to show that there is support from the community and that they intend to seek funding at the 2010 Annual Town Meeting. Jeff asked if the Library would be allowed to give a report at the Special Town Meeting in November. Janet Pineault gave a visual presentation showing what the Library would look like with the addition, also showing the floor plans for all areas. She explained that one of the requirements by the Mass Board of Library Commissioners is to plan for library needs for the next 20 to 30 years. Jerry Cirillo, Library Director, noted statistics relative to library activity – serving a population of over 16,000, over 100,000 items with an all time high of 206,000 in circulation and providing on-line resources. He said the meeting rooms are always in use. The library is open 55 hours per week.

A brief discussion was held. Paul Feeney said he would support the request to go before the citizens at the Special Town Meeting. He pointed out that there is a lot of competition for funding but that the Library deserves the opportunity to put this before the people at Town Meeting. Paul Mortenson asked if there was a “Plan B”. Jeff Lovely said there could be just some bare bones renovation and could propose a smaller addition that would address only the functional issues. Lorraine Brue spoke of the requirement to plan for 20 years and how advancement in technology might impact the needs of the library in the future. The Board supported the Library in their request to go to Town Meeting.

8:20 – Meadowview Road Discussion – Paul Feeney opened the discussion by saying that on the second night of the U2 concert there were a lot of police at Beach and Meadowview. Paul was told by the officers that people were being sent onto Meadowview by their GPS systems. Paul Mortenson talked with residents of Meadowview and some of the suggestions given included signs of “Do Not Enter”, “No Thru Traffic” and “Dead End” or some sort of physical barrier.

He spoke with Chief O'Leary who agreed to put a traffic counter on the street to gather more data that would be important to the Board. Lorraine Brue suggested a directional sign such as "This Way to Route 1". Andy Gala noted that Public Safety is not in favor of putting up physical barriers because of obstruction for emergency vehicles. Lynda Walsh said she would be in favor of directional signs as suggested by Lorraine.

Several residents of Meadowview Rd. spoke about their concerns, frustrations, ideas that they approved or disapproved and their determination to find a resolution to their issues. Among those were Peter Rizzo, 25 Meadowview, Thomas Kelly, 24 Meadowview, James Rehill, 16 Meadowview, Thomas Marcucello, 12 Meadowview, Linda Fortier, 27 Meadowview, Paul Stock, 34 Meadowview and Kevin Flaherty, 10 Meadowview. All had similar complaints, greatly increased traffic particularly during the football season and concerts at the Stadium, large and small trucks and speeding vehicles. Some of the residents were in favor of making Meadowview a one-way street, a dead end or even closing off the street to all except residents, others were in favor of some kind of obstruction and others favored directional signs on North or Beach Street. Chairman Feeney said the Board would take this matter under consideration for a week, get the report from the traffic counter and he will meet with the Town Manager and Highway Superintendent on this issue.

8:50 – Cease and Desist Order Discussion – Paul Feeney gave a brief overview of the previous actions regarding the Cease & Desist Order and the ratifying of the letter from the Town Manager to Mr. Scott Barbato, 204 East Street, Foxborough. The majority of the Board asked that Mr. Barbato to come before the Board to give his side of the issue and to give other interested parties an opportunity to be heard on this matter. Scott Barbato was present. He pointed out that the work is finished, that he had done nothing unlawful and asked that the Cease & Desist Order be removed from the record.

Motion by Lynda Walsh to ratify the Letter to Scott Barbato, 204 East Street and signed by Andy Gala, dated August 5, 2009. Seconded by Lorraine Brue.

Discussion – Andy Gala said there is disagreement on the work being done on the site. He pointed out that from the photos taken there seems to be more than restoration being done and the moving of materials off the site. Paul Feeney said he wanted to make sure due process was followed. It was pointed out that Andy Gala had acted on the advice of Town Counsel in this regard. Scott Barbato asked the Board to refer to "Exhibit B", a letter from a Registered Land Surveyor dealing with the scope of work. It was stated that after a meeting in the Town Hall with Mr. Barbato, the Town Manager and the acting Conservation Commission agent, the Cease & Desist Order came after the work had been completed. Andy Gala pointed out that no plans were submitted only a verbal exchange was made at that meeting. He said the problem is not with the

restoration work that needed to be done; the problem is with the moving of material from the site. Bill Casbarra, Building Inspector, verified that the Cease & Desist Order pertained to the removal of gravel from the site. Scott Barbato feels he has done nothing illegal, he recognizes the fact that he should have gotten a permit, but he would like to see this done and done quickly. **Vote: 4-0-0**

ACTION:

Request to Amend Commercial Parking Regulations – Paul Feeney recused himself from this discussion. The Board is not requested to take action on this item as it would require a public hearing and is only a proposal to amend regulations.

Bill Casbarra said the Town has always had guidelines, based on commercial parking regulations, not to exceed 10 vehicles for Stadium events but going over the limit creates some issues. He said that now there are some people posting signs for parking at \$15.00. He said this is a situation that has to be stopped in order to be fair to those who have obtained special permits required and abide by the commercial parking rules. Bill explained there is a zoning by-law regarding parking in residential areas but it is very difficult to change. Bill recommends a revision of the wording in Item #1 of the regulations to read “parking of any vehicle for a fee”. He noted that this would be helpful in the enforcement of the regulations and at the same time lessen the traffic on roads in residential areas.

Motion by Lorraine Brue to vote to revise Item #1 of the Commercial Parking Regulations changing the wording from parking 10 cars to “parking of any vehicle for a fee”. Seconded by Paul Mortenson. **Vote: 3-0-0**

Conservation Commission Appointment – Paul Feeney gave a brief background. This appointment is to fill one vacancy on Conservation Commission – four applicants had been interviewed. A brief discussion was held.

Motion by Lynda Walsh to appoint Eric Nelson, 12 Alger Rd., to the Conservation Commission; term to expire in 2012. Seconded by Lorraine Brue. **Vote: 3-0-0** (Paul Feeney recused)

Minutes – The Minutes of the Board of Selectmen’s meeting of September 8, 2009 were reviewed.

Motion by Paul Mortenson to approve the BOS Minutes of September 8, 2009 as amended. Seconded by Lynda Walsh. **Vote: 4-0-0**

Legal Services Invoices – Received from Attorney Peter Epstein an invoice for legal services rendered August, 2009 in the amount of \$1,860.00.

Motion by Lynda Walsh approve the invoice from Attorney Epstein in the amount of \$1,860.00 for services rendered during the month of August, 2009. Seconded by Paul Feeney. **Vote: 4-0-0**

Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$1,248.75 for services rendered for the month of August, 2009.

Motion by Paul Mortenson to approve the invoice from Collins, Loughran & Peloquin, P.C. in the amount of \$1,248.75 for services rendered for the month of August, 2009. **Vote: 4-0-0**

Received from Deutsch Williams an invoice in the amount of \$202.69 for legal services rendered through August 31, 2009. **Vote: 4-0-0**

Motion by Paul Mortenson to approve the invoice from Deutsch Williams in the amount of \$202 for legal services rendered through August 31, 2009. Seconded by Lynda Walsh. **Vote: 4-0-0**

Received from Deutsch Williams an invoice in the amount of \$4,083.33 the retainer agreement for the month of September, 2009.

Motion by Paul Mortenson to approve the invoice from Deutsch Williams in the amount of \$4,083.33 as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

Resignation – ZBA – Received from Ronald J. Horta notice of his resignation from the ZBA after ten years serving on the Board, effective September 17, 2009.

Motion by Paul Mortenson to accept the resignation of Ronald J. Horta as submitted with a letter thanking him for his service to the Town. Seconded by Lynda Walsh. **Vote: 4-0-0**

United Nations Day Proclamation – Received from Richard Golog, on behalf of the United Nations Association of Greater Boston, a request for the Town to recognize United Nations Day on October 24, 2009.

Motion by Lynda Walsh to proclaim October 24, 2009 as United Nations Day as requested by Richard Golog in the letter dated September 7, 2009. Seconded by Paul Mortenson. **Vote: 4-0-0**

Block Party Request – Received from Juliette Petrillo a request to close part of Leonard Street for the 4th Annual Block Party scheduled on September 26, 2009 from 1:00 to 8:00 PM.

Motion by Paul Mortenson to approve the request to close part of Leonard Street for a Block Party as requested by Juliette Petrillo in the letter dated September 14, 2009. Seconded by Lynda Walsh. **Vote: 4-0-0**

Norfolk County Selectmen's Association – Received an invitation from the Norfolk County Selectmen's Association to attend the annual meeting scheduled for October 28, 2009 to be held at Old Colony Café, Norwood, MA.

Mass Lottery – “KENO To Go” – Received from Mark J. Cavanaugh on behalf of the Massachusetts States Lottery Commission notice of a new product being offered by the Commission and that there may be agents in Foxborough qualified to offer this product.

Donation – Animal Control Gift Fund – Received from Jen Curran, North Attleboro, a donation of \$120 to be deposited in the Foxborough Animal Control Gift account.

Motion by Paul Mortenson to accept with gratitude the gift of \$120.00 from Jen Curran, North Attleboro, to be deposited in the Foxborough Animal Control Gift account. Seconded by Lynda Walsh. **Vote: 4-0-0**

Joint Salt Bid – Received from Kenneth P. Feeney, Medfield Public Works, notice that the Joint Salt Bid was awarded to Eastern Minerals, Inc. 130 Plain Street, Lowell, MA. at \$64.00 T.

Motion by Lynda Walsh to approve the Joint Salt Bid award to Eastern Minerals, Inc., Lowell, MA as described in the letter dated September 16, 2009 from Kenneth P. Feeney, Superintendent, Medfield Public Works. Seconded by Paul Mortenson. **Vote: 4-0-0**

OLD/NEW BUSINESS

Members of the Board said they would attend the Open House at the 7th Day Adventist Church.

Lorraine Brue said that the Board needs to set dates for the next strategic planning meeting. She reported that she had been to visit the Stadium and found it to be informative and very helpful. Andy Gala said he had scheduled a meeting for next Tuesday. The first meeting of the Town assets committee would be held before the next Board meeting.

Motion by Paul Mortenson to go into Executive Session to approve and release Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 4-0-0	Paul Feeney, Chairman	Yes
	Lynda Walsh, Vice Chairman	Yes
	Paul Mortenson, Clerk	Yes
	Lorraine Brue	Yes

Motion by Paul Mortenson to adjourn. Seconded by Lynda Walsh.

Vote: 4-0-0

Meeting adjourned at 11:15 P.M.

Paul Mortenson, Clerk